

Message Text

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65

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----- 019157

R 271538Z SEP 76

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 1707

INFO AMCONSUL GUAYAQUIL

S E C R E T SECTION 1 OF 2 QUITO 6934

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EXDIS

E.O. 11652: GDS

TAGS: PLOS EC

SUBJECT: RECOMMENDATIONS FOR SURVIVING THE COMING TUNA FISHING
SEASON

REF: A) QUITO 6883, SEPT. 15, 75; B) QUITO 0316;
C) QUITO 0555; D) GUAYAQUIL 0043; E) QUITO 6394

1. SUMMARY: THE 1976-77 TUNA FISHING SEASON OFF OF THE
COAST OF ECUADOR COULD BEGIN AS SOON AS MID-OCTOBER. LARGELY DUE
TO SECRET BUT CONCERTED EFFORTS OF THE GOE AND USG AND
"INDEPENDENT AND SPONTANEOUS" PUBLIC ACTIONS BY BOTH GOVTS
(IN WHICH EACH MAINTAINED ITS JURIDICAL POSITION ON THE
TERRITORIAL SEA) THERE WERE NO SEIZURES OF US TUNA BOATS
DURING THE 1975-76 SEASON. WE BELIEVE ACTIONS MUST BE CON-
SIDERED AND COMMENCED SOON IF WE ARE TO ACHIEVE SIMILAR
SUCCESS IN THE COMING SEASON. THIS CABLE SETS FORTH THE
EMBASSY'S PROPOSALS FOR EFFORTS THE USG AND THE GOE MIGHT
TAKE TO TRY TO KEEP THE COMING SEASON
INCIDENT-FREE. WE HOPE PRIMARILY TO CAPITALIZE THIS YEAR
ON THE MAJOR INITIATIVES TAKEN BY BOTH GOVTS LAST YEAR,
WITH SOME ADDED REFINEMENTS AND CHANGES. FOR THE USG
WE RECOMMEND THE FOLLOWING STEPS: RE-ISSUANCE OF DEP
SECY INGERSOLL'S LETTER OF LAST YEAR STATING USG NEUTRALITY
WITH REGARD TO PURCHASE OF LICENSES, AND DEPT-US TUNA
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INDUSTRY CONSULTATIONS AIMED AT AVOIDING SEIZURES. FROM

THE GOE WE WOULD SEEK: INDICATIONS FROM THE ECUADOREAN NAVY THAT RESTRAINT WILL BE EXERCIZED TO AVOID SEIZURES; A PLEDGE FROM THE FONMIN THAT THE GOE WILL RESIST CURRENT PRESSURES FROM ECUADOREAN FISHERMEN AND LEFTISTS TO EXTEND THE EXCLUSIVE FISHING ZONE FROM 60 TO 100 MILES, TO RAISE LICENSE FEES, AND TO RE-INSTITUTE THE 600 NRT LIMITATION ON BOATS FISHING IN ECUADOREAN CLAIMED WATERS; ASSURANCES THAT THE RADIO SYSTEM AND PROCEDURES TO OBTAIN LICENSES BY RADIO WILL BE MAINTAINED. WE WILL ALSO SEEK FROM THE GOE ASSURANCES THAT IN THE EVENT OF A SEIZURE, THE TREATMENT OF CREWS WILL BE HUMANE. END SUMMARY.

2. TO SOME EXTENT THE LACK OF SEIZURES DURING THE 1975-76 WAS FORTUITOUS, BUT A GOOD PART OF THE CREDIT MUST ALSO GO TO THIS EMBASSY AND TO THE DEPT FOR HAVING TAKEN THE INITIATIVE TO WORK OUT A FORTHCOMING APPROACH TO THE GOE AT AN EARLY DATE. (SEE QUITO 6883 OF SEPT 15, 1975.) THE GOE WAS AMENABLE TO THAT APPROACH AND DESIROUS OF AVOIDING A REPETITION OF PAST PROBLEMS. THE GOE, ESPECIALLY AT THE HIGHEST LEVELS, REMAINS FAVORABLY DISPOSED TOWARD US AND IS DESIROUS OF AVOIDING UNNECESSARY FRICTION IN OUR RELATIONSHIPS. (THE CURRENT GULF DISPUTE IS NO EXCEPTION. THE DISPUTE THERE HAS ARISEN DESPITE THE GOE'S DESIRES TO REMAIN ON FRIENDLY TERMS.) MOREOVER, IF I CAN DEFINITELY ASSURE PRESIDENT POVEDA IN OCTOBER THAT THE ECUADOREAN NAVY WILL AT LAST RECEIVE ITS LONG PROMISED LST AND THAT THE USG REMAINS COMMITTED TO HELPING THE ECUADOREAN ARMED FORCES OBTAIN MATERIEL AND TRAINING, THE SUPPORT OF THE SUPREME COUNCIL SHOULD BE EVEN STRONGER THAN LAST YEAR.

3. ON THE OTHER HAND, LAST YEAR'S SUCCESS OCCURRED AT A TIME WHEN KEY ECUADOREAN FONMIN OFFICIALS BELIEVED THAT PROGRESS WAS BEING MADE BETWEEN THE GOE AND USG TOWARD CONSENSUS ON A REGIONAL FISHERIES AGREEMENT, AND IN AN ATMOSPHERE OF GREATER CONFIDENCE ABOUT THE FUTURE OF THE COMPREHENSIVE LOS NEGOTIATIONS. THAT MADE IT SOMEWHAT EASIER FOR THE GOE TO ACCOMMODATE ON THE FISHING QUESTION THAN DOES THE CURRENT SITUATION. THE EXTREME SENSITIVITY OF THE GOE TO INTERNAL POLITICAL CRITICISM THAT IT IS ABANDONING ITS "SACRED" 200 MILE TERRITORIAL

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SEA POSITION (THE 1963-66 MILITARY JUNTA FELL IN LARGE PART ON THIS ISSUE) MAKES IT ESSENTIAL TO THE GOE THAT ANY MODIFICATION IN ITS 200 MILE TERRITORIAL SEA CLAIM, OR SLACKENING OF ITS DEFENSE OR ENFORCEMENT, RESULT FROM MULTILATERAL NEGOTIATIONS AND NOT FROM BILATERAL OR UNILATERAL ACTION. ANY COOPERATION BETWEEN THE USG AND THE GOE TO AVOID TUNA BOAT SEIZURES (AS LAST YEAR) WILL HAVE TO BE ESPECIALLY DISCREET AND CARRIED OUT IN A WAY WHICH

PERMITS THE GOE TO AVOID PUBLICLY COMPROMISING ITS
QUARTER-OF-A-CENTURY OLD FOREIGN POLICY POSITION ON THE
TERRITORIAL SEA.

4. WEIGHING THE PROS AND CONS, I HAVE COME TO THE CON-
CLUSION THAT THERE IS DEFINITE WILL ON THE PART OF KEY GOE
OFFICIALS TO COOPERATE WITH US ON THIS PROBLEM. THAT
WILLINGNESS SHOULD OVERCOME NEGATIVE FACTORS IF, AS NOTED
ABOVE, DISCRETION IS EXERCISED. I AM NOT RECOMMENDING
MAJOR INITIATIVES FOR THIS YEAR. RATHER I HOPE TO SUGGEST
ACTIONS BY BOTH SIDES WHICH WILL SERVE TO INSTITUTIONALIZE
THE ADVANCES MADE LAST YEAR AND TO RESOLVE SOME OUTSTANDING
PROBLEMS WHICH COULD LEAD TO RENEWAL OF SEIZURES.

5. I RECOMMEND THAT THE USG CONSIDER TAKING INDEPENDENTLY
THE FOLLOWING STEPS:

A. REISSUE, UNDER DEP SECY ROBINSON OR UNDER SECY
ROGERS' NAME, THE LETTER SENT LAST YEAR FORMALLY STATING
THE USG POSITION OF NEUTRALITY ON THE ISSUE OF THE PURCHASE
OF LICENSES BY US FISHING BOATS. (WE HAVE BEEN TOLD FLATLY
BY HIGH FONMIN OFFICIALS THAT SUCH ACTION, MORE THAN ANY
OTHER, WILL "PROVIDE THE STIMULUS AND INCENTIVES" TO THE
GOE TO EXERCISE RESTRAINT. WE WOULD, OF COURSE, ARRANGE
FOR MAXIMUM PUBLICITY FOR SUCH A LETTER.)

B. DISCUSS WITH US TUNA FISHERMEN THE GOE LICENSING
PROCEDURES, REVIEW PENALTIES UNDER CURRENT ECUADOREAN LAW,
AND OUTLINE THE POSSIBILITY OF OBTAINING LICENSES BY RADIO.
THE RADIO SYSTEM WAS PUT INTO OPERATION RELUCTANTLY BY THE
GOE LAST YEAR AT USG INSISTENCE AND IS DISCUSSED IN QUITO
0316, QUITO 0555 AND GUAYAQUIL 0043. THE SYSTEM PERMITS
BOATS TO BEGIN FISHING IMMEDIATELY UPON REACHING ECUADOREAN
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CLAIMED WATERS WITHOUT HAVING TO COME INTO PORT FOR A
LICENSE, PROVIDING THAT PAYMENT CAN BE MADE OR GUARANTEED BY
THE CONSULATE OF THE COUNTRY UNDER WHOSE FLAG THE FISHING
VESSEL SAILS. BECAUSE OF RESTRICTIONS ON US CONSULS THE
SYSTEM WAS NOT UTILIZED BY AMERICAN BOATS LAST YEAR. THE
SYSTEM MIGHT BE MADE WORKABLE, HOWEVER, IF BOAT
CAPTAINS WOULD MAKE ARRANGEMENTS THROUGH A BANK OPERATING
IN ECUADOR TO ASSURE THE CONSUL PAYMENT WOULD BE MADE. I
UNDERSTAND THAT DISCUSSIONS ALONG THESE LINES TOOK PLACE
BETWEEN TUNA FISHERMEN AND THE BANK OF AMERICA LAST JAN.
(QUITO 0555), BUT NO AGREEMENT WAS REACHED. WE DO NOT
KNOW THE REASONS FOR THE FAILURE TO REACH AGREEMENT, OR
EVEN IF THE BANK OF AMERICA OR OTHER BANKS WOULD BE IN-
TERESTED IN PLAYING SUCH A ROLE, BUT WE RECOMMEND THAT
THE DEPT RE-OPEN THIS POSSIBILITY WITH THE TUNA INDUSTRY.

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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R 271538Z SEP 76
FM AMEMBASSY QUITO
TO SECSTATE WASHDC 1708
INFO AMCONSUL GUAYAQUIL

S E C R E T SECTION 2 OF 2 QUITO 6934

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6. I RECOMMEND THAT WE SEEK THE FOLLOWING COMMITMENTS
AND ACTIONS ON THE PART OF THE GOE:

A. CONTINUED RESTRAINT BY THE EN IN TERMS OF AGGRE-
SSIVE ENFORCEMENT OF ECUADOREAN LAW OVER ITS CLAIMED 200
MILE TERRITORIAL SEA. SUCH A COMMITMENT WILL HAVE TO BE
TACIT AND INFORMAL.

B. ASSURANCES THAT PRESENT FISHING REGULATIONS WILL
NOT BE CHANGED IN A MANNER DETRIMENTAL TO US FISHING BOATS,
I.E., THAT THE 600 NRT LIMITATION NOT BE REINSTATED NOR
THE EXCLUSIVE 60 MILE FISHING ZONE FURTHER EXTENDED (AS
RECENTLY HAS BEEN REQUESTED BY LOCAL GROUPS).

C. ASSURANCES THAT THE LICENSE-BY-RADIO PROCEDURE WILL
BE MAINTAINED AND, IF POSSIBLE, THAT ARRANGEMENTS BE MADE
FOR THE SHIP'S AGENT IN ECUADOR TO ARRANGE FOR PAYMENT
DIRECTLY, THUS AVOIDING THE CUMBERSOME PROCEDURE INVOLVING
THE CONSULATE. (FYI. THE LICENSE-BY-RADIO PROCEDURE HAS
COME UNDER CONSIDERABLE ATTACK FROM ECUADOREAN FISHERMEN
WHO CLAIM THAT FOREIGNERS ARE GIVEN AN ADVANTAGE THEREBY.
THUS, A GOE COMMITMENT TO CONTINUE THE PROCEDURE IS NOT
SIMPLY AN EMPTY GESTURE. END FYI.)

D. IN THE EVENT THAT RESPONSES TO QUITO 6394 INDICATE

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THAT GOE FEES AND PROCEDURES ARE SUFFICIENTLY MORE COSTLY AND STRINGENT THAN OTHER EASTERN PACIFIC REGION COUNTRIES, WE WILL ATTEMPT TO PREVENT FURTHER INCREASES IN THE PRICE OF FEES.

7. I BELIEVE THAT IF THE GOE AND USG WOULD FOLLOW THE PROPOSALS PUT FORTH IN THIS MESSAGE THAT WE MIGHT LUCK THROUGH ANOTHER FISHING SEASON. OF COURSE IT WILL TAKE ONLY ONE AMERICAN FISHING CAPTAIN WHO OPTS NOT TO BUY A LICENSE AND ONE ZEALOUS ECUADOREAN NAVAL SKIPPER TO KNOCK EVERYTHING INTO A COCKED HAT. MY STAFF IS THEREFORE REVIEWING OUR SOP AND CONTINGENCY PLANS IN THE EVENT SEIZURES DO OCCUR. OUR KEY EFFORT IN THIS REGARD WILL BE TO WORK OUT WITH THE GOE PROCEDURES FOR HANDLING DETAINED BOATS, HOPING TO AVOID THE UNFORTUNATE INCIDENTS OF THE 1974-75 SEASON. THIS EFFORT WOULD BE PURSUANT TO A COMMITMENT I MADE TO AUGIE FELANDO DURING MY VISIT TO SAN DIEGO PRIOR TO ARRIVING HERE; BUT THE FACT THAT WE ARE WORKING IN THIS AREA SHOULD IN NO WAY BE CONVEYED TO AMERICAN FISHERMEN, SINCE IT MIGHT BE AN ADDED INCENTIVE FOR AN AMERICAN FISHING BOAT TO ENTER ECUADOREAN CLAIMED WATERS WITHOUT AN ECUADOREAN FISHING LICENSE.

8. IF THE DEPT AGREES TO THE ACTIONS RECOMMENDED ABOVE, I PROPOSE TO RAISE THE SUBJECT OF THE UPCOMING TUNA SEASON PERSONALLY WITH ADMIRAL POVEDA AND WITH KEY MEMBERS OF THE FONMIN. I WOULD INDICATE THE STEPS THE USG WOULD BE WILLING TO TAKE IN ORDER TO AVOID SEIZURES AND MENTION THE STEPS WE THINK THE GOE MIGHT TAKE. THESE CONFIDENTIAL CONVERSATIONS WITH THE NAVY AND THE FONMIN WOULD BE PARALLEL BUT SEPARATE, WITHOUT THE FONMIN BEING COMPLETELY INFORMED OF MY TALKS WITH POVEDA.

9. ACTIONS REQUESTED: (1) THE DEPT'S COMMENTS ON AND APPROVAL OF ACTIONS SUGGESTED BY THIS EMBASSY TO BE TAKEN BY THE USG TO AVOID SEIZURE OF AMERICAN FISHING BOATS DURING THE COMING TUNA SEASON; (2) THE DEPT APPROVAL FOR THE EMBASSY TO BEGIN TALKS WITH THE GOE ALONG THE LINES OUTLINED IN THIS MESSAGE.

10. I WILL BE PREPARED TO DISCUSS THE ABOVE WITH DEPT
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OFFICIALS DURING MY FORTHCOMING CONSULTATIONS (OCT. 4-8).

BLOOMFIELD

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Message Attributes

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